



# GUIDELINES

The Newsletter of the New Jersey Executive Commission on Ethical Standards

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## THE EXECUTIVE COMMISSION ON ETHICAL STANDARDS

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Diane M. Legreide, Commissioner Jack Lettiere, Commis-  
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### Reconstituted Commission

On August 20, 2003, Governor McGreevey signed legislation increasing the membership of the Executive Commission on Ethical Standards to nine, by providing for the appointment of two public members. No more than one of the public members may be from the same political party. Members of the reconstituted Commission are as follows:

Brendan T. Byrne, Former Governor, Chair, Public Member

Susan Bass Levin, Commissioner, Department of Community Affairs, Vice Chair

Bradley M. Campbell, Commissioner, Department of Environmental Protection, Member

Ida L. Castro, Commissioner, Department of Personnel, Member

James F. Keefe, Esq., Former Union County First Assistant Prosecutor, Public Member

Diane M. Legreide, Chief Administrator, Motor Vehicle Commission, Member

Jack Lettiere, Commissioner, Department of Transportation, Member

William L. Librera, Commissioner, Department of Education, Member

Seema M. Singh, Ratepayer Advocate, Member

### COMMISSION CASE NO. 45-02

**SUBJECT:** Post-employment.

**FACTS:** The former State employee appealed the determination of the Department's Ethics Liaison Officer ("ELO") that his proposed post-employment activity was violative of section 17 of the Conflicts Law. The Department had issued a Request for Proposal ("RFP"). One of the companies that responded to the RFP included the former State employee's resume in its response, designating him

The cases presented in "Guidelines" are designed to provide State employees with examples of conflicts issues that have been addressed by the Executive Commission. Specific questions regarding a particular situation should be addressed directly to the Commission.

as its Assistant Statewide Program Director. During his State employment, the former employee supervised the unit that drafted the RFP. Copies of draft versions of the RFP were provided to the former employee and he attended at least one meeting where the RFP was discussed in detail.

**RULING:** The Commission concurred with the decision of the Department ELO that the former State employee was prohibited from representing a party other than the State in connection with the RFP because he was substantially and directly involved in the RFP during his State employment.

**REASONING:** When reviewing a post-employment matter, the Commission has used a two-pronged analysis:

1. Is the former employee representing, appearing for, negotiating on behalf of, or providing information or services not generally available to a party other than the State?
2. Was the former employee substantially and directly involved in the matter in question?

In this situation, the former employee would be representing his employer. Thus, the first prong of the Commission's two-pronged analysis was satisfied.

As to the second prong, the "matter", for the purposes of the post-employment restriction, is the RFP. In considering whether a former State employee had substantial and direct involvement in a project, the Commission has typically reviewed such factors as whether the former State employee had supervisory responsibility, provided input, submitted reports, signed contracts on behalf of the agency, attended meetings, approved applications, had access to confidential information, or was directly involved in decisions affecting the operation of the project. In this situation, the former employee had supervisory responsibility for the RFP and was regularly updated on its status, received and reviewed draft copies of the RFP, and attended meetings at which the RFP was discussed. Thus, his involvement can be viewed as substantial and direct under the Commission's precedent.

#### **COMMISSION CASE NO. 05-03**

**SUBJECT:** Political Activity.

**FACTS:** The Commission received an allegation that the State employee's endorsement of a candidate for local public office violated the Department's code of

ethics. The State employee's picture and endorsement message appeared in a campaign mailer. No reference was made to the State employee's official position.

**RULING:** The Commission, pursuant to *N.J.A.C. 19:61-3.1(h)*, dismissed the allegation.

**REASONING:** The Department's code of ethics contains the following provision:

An employee shall not directly or indirectly use or seek to use his authority or the influence of his position to control or modify the political action of another person. An employee during the hours of duty shall not engage in political activity; nor shall he at any other time participate in political activities, which would impair his usefulness in the position in which he is employed. A State employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

The code specifically states that a State employee retains the right to express opinions on political subjects and candidates. The State employee exercised that right when she endorsed the candidate in his election campaign. The political activity in question did not involve the use of State time, resources or title.

#### **COMMISSION CASE NO. 08-03**

**SUBJECT:** Post-employment.

**FACTS:** The former State employee requested advice from the Commission as to the applicability of the section 17 post-employment restriction to his situation. During his State employment, the individual served as Administrator for a program that purchases open space for New Jersey's system of parks and forests. The Program also provides grants and loans to buy land and/or develop parks and recreation areas.

In his private capacity, the former State employee communicated with and represented entities that had projects involving the Program. For the purposes of applying the post-employment restriction, the former employee sought advice regarding three categories of activities: (1) Representing clients with respect to projects that had completed the Program's approval cycle prior to his departure; (2) Representing clients with respect to projects that completed the Program's cycle after his departure; and (3) Representing clients with respect to project modifications.

**RULING:** The Commission determined that the

former State employee could not represent a client in connection with those projects approved during his tenure or modifications to those projects. The post-employment restriction does not apply to any projects submitted but not approved during his tenure or submitted after his resignation.

**REASONING:** When reviewing a post-employment matter, the Commission has used a two-pronged analysis:

1. Is the former employee representing, appearing for, negotiating on behalf of, or providing information or services not generally available to a party other than the State?
2. Was the former employee substantially and directly involved in the matter in question?

In this situation, the former employee would be representing his employer and its clients. Thus, the first prong of the Commission's two-pronged analysis was satisfied.

As to the second prong, the Commission determined that in this situation, the "matters", for the purposes of the post-employment restriction, were the approved projects that had completed the Program's approval cycle during the former State employee's tenure.

In determining whether the former State employee's involvement was substantial and direct, the Commission considered the fact that the former employee had overall responsibility for the day-to-day operation of the Program and had supervisory responsibility over the staff who performed the reviews and rankings of individual project applications. The former State employee was also a signatory in the chain of review and approval for each application for funding. The Commission viewed this involvement as substantial and direct.

#### **COMMISSION CASE NO. 09-03**

**SUBJECT:** Secondary Employment.

**FACTS:** The State employee appealed the determination of the Department Ethics Liaison Officer that his secondary employment created a conflict with his State employment. In his official capacity, the State employee conducted audits of State Correctional facility providers. In his outside position, the State employee provided crisis intervention, mental health assessments and counseling to county jail inmates.

**RULING:** The Commission determined that the State employee was permitted to engage in outside employment with the understanding that should the circumstances of his outside employment or his official responsibilities change in any way, his secondary employment was subject to further review.

**REASONING:** Reviewing the State employee's outside position under the Commission's Guidelines for Secondary Employment, only question 1 was answered in the affirmative. The two positions dealt with the same general area. The Commission noted that it is not uncommon for a State employee to hold outside employment in his/her field of expertise.

While there was no precedent directly on point, the Commission reviewed examples of situations in which it had determined that a conflict existed. The Commission has typically denied a State employee's outside employment when there is an overlap in the duties and responsibilities of the two positions. No such overlap existed in this situation.

The outside employment did not appear to be problematic under the Conflicts Law. It did not require representation before any State agency, section 16. The individual's objectivity and independence of judgment in the exercise of his official duties was not likely to be affected by his outside employment, section 23(e)(5), because the duties and responsibilities of the two positions were not the same and one position did not fall under the control or supervision of the other. While it could be argued that an appearance of impropriety existed, pursuant to section 23(e)(7) any such appearance was mitigated by the fact that, in the four years that the State employee engaged in his outside employment, no conflict was alleged. In addition, in regard to his official duties, sufficient safeguards appeared to be in place that made it unlikely that such a conflict would arise.

#### **COMMISSION CASE NO. 13-03**

**SUBJECT:** Acceptance of Award and Raffle Prize.

**FACTS:** The State employee appealed the determination of the Department's Ethics Liaison Officer that his personal acceptance of a \$500 award and a \$100 raffle prize from a private organization was prohibited under section 24 of the Conflicts Law. The State employee served as a team leader for the private organization as part of his official responsibilities. He attended the organization's three-day conference on State time and served as head of one of the work teams. During the course of the

conference, the organization's Executive Director gave the State employee a \$500 gift certificate in appreciation of his service as a team leader. He also received a \$100 gift certificate for a national retail store that was the result of a raffle.

**RULING:** The Commission concurred with the determination of the Ethics Liaison Officer that the State employee was prohibited, under section 24 of the Conflicts Law, from personally accepting the \$500 award and the \$100 raffle prize. The award and prize could be used by the Department or must be returned to the organization.

**REASONING:** Section 24 of the Conflicts Law prohibits a State employee from accepting "any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to his official duties." The State employee attended the conference as part of his official duties; therefore, he was prohibited from accepting anything of value in connection with his attendance at the conference.

#### **COMMISSION CASE NO. 18-03**

**SUBJECT:** Casino Post-employment Restriction.

**FACTS:** The former State employee requested an opinion from the Commission regarding the applicability of *N.J.S.A. 5:12-60(b)*, the post-employment restriction of the Casino Control Act ("Act") to him. During his State employment, he was a Division of State Police ("DSP") employee, assigned to the Division of Gaming Enforcement ("DGE").

**RULING:** Because the individual was neither an employee nor an agent of the DGE during his State employment, he was not subject to the casino post-employment ban of *N.J.S.A. 5:12-60*.

**REASONING:** Section 60(b)(1) prohibits an employee of the Casino Control Commission ("CCC") or employee or agent of the DGE from accepting employment with any applicant or any person licensed by or registered with the CCC for a period of two years following the termination of employment. At the end of two years and for a period of two years thereafter, a former employee or agent who held a policy-making management position at any time during the five years prior to termination of employment may accept such employment, with the approval of the CCC upon a finding that no conflict or appearance of a conflict exists.

The section 60(b) casino-post employment ban applies to employees or agents of the DGE. The former State employee was neither an employee nor an agent of the DGE; he was a DSP employee during his tenure. The DSP has its own chain of command and has an office in each casino.

#### **How Do I File An Ethics Complaint?**

Allegations come to the Executive Commission from various sources and can be made orally or in writing. The complainant may remain anonymous. If the complainant does identify him/herself, that information remains confidential.

Allegations may also be filed with the State agency employing the State officer or employee in accordance with procedures established by the agency. Upon receipt of an allegation, the State agency is required to file a copy of same with the Commission. It is within the discretion of the Commission to direct the State agency to transfer the allegation to it. Notice of all determinations made by State agencies in connection with hearings conducted pursuant to *N.J.A.C. 19:61-3.1* must be filed with the Commission. All determinations with respect to the Conflicts of Interest Law which involve the removal of a State officer or employee or any other disciplinary actions are effective only when approved by the Commission.

When an allegation is received by the Commission, the staff first reviews it for an initial determination as to whether the alleged conduct falls within the jurisdiction of the Commission. Once it has been determined that the Commission has jurisdiction, the staff initiates a preliminary investigation which may include interviews of the complainant, the State officer or employee involved, and any other individuals who possess knowledge of the circumstances surrounding the alleged conduct. Interviews are conducted under oath and are tape-recorded. The interviewee, if he/she so desires, may be accompanied by an attorney or union representative, but such representation is not required. A copy of the taped interview will be provided to the interviewee upon his/her request. Interviews are occasionally conducted via telephone. Investigations also frequently involve the review of documents.

If the Commission determines that the testimony of any person is required, and that person refuses to appear, a subpoena may be issued. The subpoena may also contain a direction that such person bring with him/her any books, papers or documents designated

therein. If the person subpoenaed fails to appear, the Commission may apply to the Superior Court to compel the person to comply.

During the course of the preliminary investigation, no information regarding the allegation is made public. Upon the conclusion of the preliminary investigation, the written report of the investigation is presented to the entire Commission. The Commission meeting is not a formal hearing. No witnesses appear. A full due process hearing is held at the Office of Administrative Law ("OAL") if and when the Commission determines that indications of a violation exist. The Commission meeting dates are posted on the Commission's website, [www.state.nj.us/lps/ethics](http://www.state.nj.us/lps/ethics). Meetings are open to the public. Reports of preliminary investigations are privileged communications between the staff and Commission members and are considered in executive session. The subject of an investigation is notified in writing of the date that the matter will be considered. The subject and his/her representative may attend the meeting. Commission members may ask questions of the subject or his/her representative. The Departmental Ethics Liaison Officer is also notified and normally attends the meeting.

If the Commission finds that there has been no violation of the Conflicts Law or the Department's Code of Ethics, as alleged, it will dismiss the allegation. This occurs in the open public session. If the Commission determines that there are indications of a violation meriting further proceedings, a complaint shall be set down for a hearing at the OAL pursuant to the requirements of the Administrative Procedure Act, *N.J.S.A. 52:14B-1 et seq.*, and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1-1.1 et seq.* The Commission is also authorized to hold a hearing itself. Because of time constraints, this is normally not done. Prior to an OAL hearing, witnesses may be interviewed by the investigative staff. After the OAL hearing is concluded, a decision is issued in accordance with the time frame set forth in the Administrative Procedure Act.

In the past, the Commission has permitted an individual to enter into a consent agreement with the Commission either prior to or after the issuance of a complaint. Consent orders are included in the individual's personnel file. Consent orders and complaints are public records.

If the Commission determines that the State officer or employee has violated the Conflicts Law or any Departmental code of ethics, it may fine the State officer or employee in accordance with the provisions

of *N.J.S.A. 52:13D-21(i)*. The Commission may further order or direct the State agency employing the State officer or employee to suspend the State officer or employee for a period not in excess of one year. Should the Commission find that the conduct of the State officer or employee constitutes a willful and continuous disregard of the provisions of the Conflicts Law or any code of ethics, it may order or direct the State agency employing the State officer or employee to remove the State officer or employee from his/her office or employment and may further direct that the State agency bar such person from holding any public office or employment in the State in any capacity for a period not exceeding five years from the date on which he/she was found guilty by the Commission.

In the case of the post-employment restriction, *N.J.S.A. 52:13D-17*, the Commission is without authority to adjudicate a violation of this section or to impose sanctions for such a violation. The Commission's power is limited to conducting an initial inquiry to determine whether the facts of a particular situation should be referred to the Division of Criminal Justice as a possible violation of section 17. Any person who willfully violates this section is a disorderly person and is subject to a fine not to exceed \$500 or imprisonment not to exceed six months, or both.

Minutes of all meetings at which a matter is discussed and the opinion issued by the Commission are public records; minutes of executive session discussions are made available on a case-by-case basis after the particular matter is concluded.

### **Requests For Advice**

Requests for advice as to whether a specific set of facts and circumstances constitute a violation of the Conflicts Law, or any code, rules or regulations promulgated pursuant thereto, should be made in writing to the Executive Director of the Commission. The individual requesting an opinion should provide as much information as possible regarding the request and include any relevant documentation. In the event that additional information is required, a Commission investigator will contact the appropriate individuals or organizations.

Advisory opinions are commonly requested in connection with a State employee's outside employment or post-employment activities. Requests for advisory opinions and replies to requests for advisory opinions may be made available to the public after consideration by the Commission.

**Updated Guidelines.** Below is the updated Guideline concerning State employees' participation in political activities.

## **STATE EMPLOYEES' PARTICIPATION IN POLITICAL ACTIVITIES**

Summarized below are Commission cases addressing State employees' participation in partisan political activities. The Commission permits involvement in partisan political activities provided that there is no provision in the Departmental code of ethics prohibiting such activities. (Election Law Enforcement Commission, Executive Commission on Ethical Standards and several other agency codes have specific provisions prohibiting such activities.) State employees, however, may not use State time or State resources in pursuit of such activities. As with other outside activities, the State employee must obtain the prior approval of the Departmental Ethics Liaison Officer.

Two sections of the Conflicts Law, *N.J.S.A. 52:13D-14* and *24*, address the acceptance and/or solicitation of campaign contributions.

Section 14 provides:

No State officer or employee, special State officer or employee, or member of the Legislature shall accept from any person, whether directly or indirectly and whether by himself or through his spouse or any member of his family or through any partner or associate, any gift, favor, service, employment or offer of employment or any other thing of value which he knows or has reason to believe is offered to him with intent to influence him in the performance of his public duties and responsibilities. This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.

Section 24 provides:

No State officer or employee, special State officer or employee, or member of the Legislature shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to his official duties, except reasonable fees for speeches or published works on matters within his official duties and except, in connection therewith, reimbursement of actual expenditures for travel and reasonable subsistence for

which no payment or reimbursement is made by the State of New Jersey. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.

In Commission Case No. 45-73, a member of the Commission on Legalized Games of Chance requested an opinion from the Commission as to whether the provisions of the Conflicts of Interest Law would restrict his involvement in political activities in the county where he resided. The Attorney General's Office was asked to review the request and issued an opinion which advised that the State official was permitted to engage in political activities, barring a prohibition against such activities in the Department's Code of Ethics.

In Commission Case No. 201-75, the Commission referred a request for advice as to whether a member of a County Board of Taxation was permitted to become a candidate for and, if elected, hold an Assembly seat, to the Attorney General. Attorney General Opinion M75-2075 concluded that a member of a County Board of Taxation holds a State office of profit within the meaning of Article IV, Section V, Paragraph 4, of the New Jersey Constitution and, as such, was permitted to become a candidate for a seat in the Legislature, but, if elected, must resign as a County Board Member before taking his Legislative seat.

In Commission Case No. 435-77, the Commission determined that a Department of Health employee was permitted to serve as chairman or co-chairman of a public employees' committee in support of a gubernatorial candidate. The State employee was cautioned that he must not use or attempt to use his official position to secure unwarranted privileges or advantages for the candidate of his choice. Further, he must be careful not to permit his political activities to conflict with the proper discharge of his duties in the public interest.

In Commission Case No. 756-79, the Commission determined that it would not be a conflict of interest for a member of a County Board of Taxation to simultaneously serve as a Commissioner on the County Tax Board and hold the position of County Chairman of a political party in the same county.

In Commission Case No. 972-81, the Commission determined that a Housing Finance Agency ("HFA") employee was permitted to run for municipal office in a municipality where housing projects sponsored by the HFA were located. The employee was cautioned

that, if elected, she should not have any dealings with any project located in East Orange as long as she was a member of the Council.

In Commission Case No. 987-81, the Commission affirmed the Department of Labor Ethics Committee determination that the employee's position as a Democratic State Committeeman and Member of the Warren County Democratic Committee as well as his candidacy for the Lopatcong Township Council did not constitute a violation of the Conflicts of Interest Law. The Commission also concurred with the caveats imposed by the Department prohibiting the use of State time, stationery and telephones by the employee for his political activities and further extended this prohibition to include any other State resources.

In Commission Case No. 34-85, two members of the Board of Dentistry were advised that *N.J.S.A. 52:13D-24* expressly permits the solicitation and acceptance of campaign contributions for announced candidates for elective public office. The dentists were cautioned, however, about political activities which directly involve persons subject to licensure and review by the Board of Dentistry. The dentists sent letters, on personal stationery, to thousands of New Jersey licensed dentists, to solicit re-election campaign funds for a New Jersey Assemblyman.

In May 1990, the Casino Control Commission ("CCC") requested an Advisory Opinion from the Commission as to whether certain political activities, if engaged in by members of the CCC, would violate ethical restrictions contained in the Casino Control Act or the CCC's Code of Ethics. Because this request involved a statutory interpretation, the Attorney General's Office was asked to review it. An Opinion was received which stated that, given the directive in the Casino Control Act that the CCC promulgate a code of ethics modeled upon the Code of Judicial Conduct, it appeared that without a legislative change to the Casino Control Act, members of the CCC were prohibited from those political and partisan activities that are prohibited by the Code of Judicial Conduct.

In Commission Case No. 17-95, a County Superintendent of Elections employee was advised that she was permitted to run for a council seat in a partisan political election because her responsibilities as Program Coordinator involved only student voter registration, the planning of educational programs and the handling of press releases and correspondence. The employee had no responsibilities in connection with the election process. She was advised, however,

that she should have no involvement with student voter registration activities in the municipality in which she was a council candidate.

In 1997 (Commission Case No. 29-97), the Commission considered the effect of section 16(b) of the Conflicts Law on State officers and employees who serve as campaign treasurers. Section 16(b) prohibits State officers and employees from representing, appearing for or negotiating on behalf of, or agreeing to perform any of those activities for, a party other than the State in connection with any matter pending before any State agency. The Commission's precedent has established that signing reports, making telephone calls, attending meetings and/or responding to inquiries by a State agency on behalf of a third party are acts of representation. Campaign reports must be signed by the campaign treasurer and submitted to the Election Law Enforcement Commission ("ELEC"), a State agency, and in the event of a complaint to ELEC, the treasurer would be required to appear in person or respond in writing to ELEC's inquiry. Thus, a State officer or employee is prohibited from serving as a campaign treasurer because the treasurer's duties include representing the campaign organization and/or the candidate before ELEC.

In Commission Case No. 07-01, a County Superintendent of Elections employee was advised that his proposed participation in his friend's campaign for municipal office was not appropriate under the application of section 23(e)(5), activity which might reasonably be expected to impair objectivity and independence of judgment, and section 23(e)(7), appearance of impropriety. In his official capacity, the employee supervised a staff of 53 employees, represented the Superintendent of Elections at necessary functions, and assisted voters and interested parties by providing requested records.

The employee expected to participate in the following political activities: door-to-door campaigning, participating in phone bank work, coordinating volunteers, giving instructions on election procedures, staffing the campaign headquarters, participating in voter registration drives, attending rallies and fundraising events, and preparing mailings to registered voters.

In prohibiting the activity, the Commission balanced the State employee's interests with the public's interest in ensuring fair and unbiased elections.

**Additional Restrictions.** The Department of Personnel has issued regulations that address the

political activities of State employees. These regulations, which reference the Federal Hatch Act, are not administered or enforced by the Commission and are printed here for the reader's information and convenience.

#### ***N.J.A.C. 4A:10-1.2 Political activity***

a. No employee in the career or senior executive service shall directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours. See *N.J.S.A. 11A:2-23*.

b. No employee in the career, senior executive or unclassified services whose principal employment is in connection with a program financed in whole or in part by Federal funds or loans, shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C. 1501 et seq.):

1. Be a candidate for public office in a partisan election. This provision does not apply to the Governor, the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;

2. Use official authority or influence that interferes with or affects the results of an election or a nomination for office; or

3. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

c. The Office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters.

#### ***N.J.A.C. 4A:2-5.1 General provisions***

b. An appointing authority shall not take or threaten to take any action against an employee in the career service or an employee in the senior executive service with career status based on the employee's permissible political activities or affiliations. This subchapter shall also apply to State service employees in the unclassified service who do not serve in policy-making or confidential positions.

### **TEST YOUR KNOWLEDGE**

Now that you are familiar with the Political Activity Guidelines, here are some scenarios for you to evaluate.

#### **Scenario 1.**

Carol is an investigator at the Department of Labor. She is actively involved in campaigning for a mayoral candidate in her community. Which of the following activities is permissible under the Commission's guidelines and precedent?

A. Placing a bumper sticker on her State car supporting the mayoral candidate.

B. Making phone calls soliciting support for the mayoral candidate during her State workday.

C. Attending a campaign rally on Saturday morning.

D. Placing an ad in a fundraising brochure and including her State business card.

#### **Answers:**

A is incorrect. Carol is prohibited from using State resources, her State car, in connection with her outside political activity.

B is incorrect. Carol is prohibited from using State time and resources in connection with her outside political activity.

C is correct. Carol is permitted to engage in political activity on her own time.

D is incorrect. Carol is prohibited from using her State title in connection with her outside political activity.

#### **Scenario 2.**

David, an engineer at the Department of Environmental Protection has been asked to act as a campaign Treasurer for a local candidate. Under the Commission's precedent, is David permitted to engage in this activity?

Yes \_\_\_\_\_

No \_\_\_\_\_



**Answers:**

Yes is incorrect. Under the Commission's precedent, David is prohibited from serving as a campaign treasurer because campaign reports must be signed by the campaign treasurer and submitted to the Election Law Enforcement Commission. Section 16(b) of the Conflicts Law prohibits State employees from representing a party other than the State before any State agency. Signing reports on behalf of a third party constitutes representational activity.

No is correct.

**Scenario 3.**

The Commissioner of the Department of Transportation is being honored at a fundraiser for a State Senate candidate. The invitation contains the Commissioner's name, with the phrase "The Honorable" before his name. Is the wording on the invitation acceptable under the Commission's guidelines and precedent?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Answers:**

Yes is correct.

No is incorrect. The Commissioner's official title is not being used on the invitation. The use of the term "The Honorable" is permitted because it does not denote a State affiliation.

**Scenario 4.**

Maureen, a Director at the Department of Banking and Insurance ("DOBI"), would like to run for the New Jersey State Senate. Which of the following is correct?

A. Maureen is permitted to run so long as there is no provision in the DOBI Code of Ethics prohibiting such activity.

B. Maureen is not permitted to run for political office because she is a State employee.

C. Maureen may run for the Senate seat but must resign her DOBI position if elected.

D. Maureen may not use State time and resources in connection with her campaign.

**Answers:**

A, C and D are correct.

B is incorrect. Under the Conflicts Law and Commission precedent, State employees are permitted to run for political office so long as their agency codes of ethics do not prohibit such activity and they do not use State time, resources or their official titles in connection with the outside political activity.

**Scenario 5.**

The Executive Commission on Ethical Standards enforces the Hatch Act.

True \_\_\_\_\_ False \_\_\_\_\_

**Answers:**

True is incorrect. The Office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters.

False is correct.

**Regarding "Guidelines"**

**Please direct any comments or questions about "Guidelines" to**

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